


<b>Application Number</b> 	<b>Application No.</b> 10/070,034	<b>Applicant</b> YANAGITA ET AL.
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<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> <b>APPROVED</b>	<input type="checkbox"/> <b>DISAPPROVED</b>
Document Code - DISQ	This patent is subject to a Terminal Disclaimer	
INTERNAL DOCUMENT - DO NOT MAIL		

U.S. Patent and Trademark Office



PATENT  
450101-03264.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Noboru YANAGITA et al.  
Continuation of Serial No. : 10/070,034  
For : INFORMATION RECORDING APPARATUS AND METHOD,  
AND INFORMATION RECORDING SYSTEM  
Filed : On Even Date Herewith  
Examiner : Glenda P. Rodriguez  
Art Unit : 2651

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New York, New York 10151  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION (37 C.F.R. 1.321(b) and STATEMENT UNDER  
37CFR 3.73(b)**

Dear Sir:

The below-named attorney of record, authorized to act on the behalf of the assignee of record, hereby disclaims the terminal part of the entire patent granted on the above-

03/24/2005 EAREGAY1 00000009 10070034

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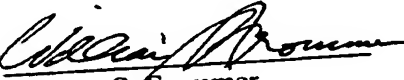
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Please charge any insufficient fees or credit any overpayment associated with this  
Terminal Disclaimer to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:

  
William S. Frommer  
Reg. No. 25,506  
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## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 09-Jun-05

APPL. S.N.: 10/070,034

ART UNIT: 2651

TO: EXAMINER RODRIGUEZ, GlendaFROM: Jefferson, Henry  
PARALEGAL SPECIALIST

RETURN THIS MEMO TO:

Case Drop-Off Location

JEF-2D68

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 22-Mar-05

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see ¶ 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):
- ☐ The TD fee of  has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).
  - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶ ¶ 14.26 & 14.26.01).
  - ☐ The T.D. lacks the enforceable only during common ownership clause -- needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).
  - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see ¶ ¶ 14.26 & 14.26.02).
  - ☐ The person who signed the T.D.:
    - ☐ is not an attorney "of record" (see ¶ ¶ 14.29 and 14.29.01).
    - ☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).
    - ☐ is not recognized as an officer of the assignee (see ¶ ¶ 14.29 & possible 14.29.02).
  - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
  - ☐ The T.D. is not signed (see ¶ ¶ 14.26 & 14.26.03).
  - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
  - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see ¶ ¶ 14.26, 14.27.02 or 14.26.05).
  - ☐ The period disclaimed is incorrect or not specified (see ¶ ¶ 14.26, 14.27.02 or 14.26.03).
  - ☐ Other:
  - ☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

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Total number of pages: 3

Remarks:

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